

SERVICE OF COURT PAPERS JUVENILE CASES ONLY

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**YOU CANNOT FIND THE
PARENT, GUARDIAN, OR CUSTODIAN**



SELF SERVICE CENTER

SERVICE OF COURT PAPERS--JUVENILE CASES ONLY

You Cannot Find the Parent, Guardian or Custodian

How to assemble these documents

This packet contains general information and/or court forms about serving court papers when you cannot find the parent, guardian, or custodian. Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
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2	JV2ck	Checklist - Serving Court Papers When You Cannot Find the Parent, Guardian, or Custodian.	1
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SERVICE OF COURT PAPERS YOU DO NOT KNOW WHERE THE PARENT, GUARDIAN OR CUSTODIAN IS AND YOU CANNOT FIND OUT

CHECKLIST

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You have filed a Petition or Complaint, or other court papers in the Juvenile Court that are required to be served for a matter in court, and now you want to have the other party served with the court papers, AND
- ✓ You do not know where the other party is, AND
- ✓ You have tried very hard to find out, AND
- ✓ You are prepared to say under oath what you did to try to find out where the other party is.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

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HELPFUL INFORMATION ON SERVING THE OTHER PARTY

SERVING THE OTHER PARTY:

- ◆ After you have filed your court papers with the Clerk of the Court, you must **serve** the papers on the other party (the parents, the guardian, the custodian, and any other person whose presence in the action is required.).
- ◆ **Service** means giving legal notice to the other party that you have filed court papers. You must provide proof of service to the Court.
- ◆ This packet explains the steps you need to take to serve the other party and what forms you must use.
- ◆ By completing the steps for service, you tell the Court that the other party has received a copy of the court papers.

METHODS OF SERVICE: Read the choices below to make sure that you are using the correct service packet. Each packet contains instructions and the forms you may need. Select the method of service that works best for you.

1. You Know Where the Other Party Lives in the State of Arizona. (Service must take place at least five (5) days before the date of the hearing.)

- A. Service by Acceptance.** This method requires you to give or mail the court papers to the other party and include an Acceptance of Service form. The other party must sign the Acceptance of Service form in front of a Notary Public and return it to you. The other party cannot sign the Acceptance of Service until after you have filed the court papers with the Court. The other party's signature on the Acceptance of Service does not mean that he or she agrees with the court papers. It means that the other party admits receiving the papers, without being served in person by the sheriff or a process server. Service is complete at the time the other party signs the Acceptance of Service. If you choose this method of service, use the Acceptance of Service forms.

WARNING: Do not use this method of service if you are the victim of domestic violence, or believe the other party will hurt you, take your money, or take your children. If you believe the other party will become violent or uncooperative when you ask him or her to accept service, use one of the methods of service described below.

- B. Service by Registered Process Server.** This method requires you to hire and pay a registered process server to serve the other party with Court papers. A process server is a person who will give the papers to the other party at home, work, or other location. This method of service costs more than service by acceptance and requires the process server to find the other party. If you decide to use this method, look under "**PROCESS SERVER**" in the Yellow Pages to find someone who can serve your papers. Service is complete at the time the process server hands the other party the court papers. If you choose this method of service, use the Service by Process Server form.

- C. Service by Sheriff.** This method requires you to contact the Sheriff's Office in the county where the other party lives to arrange for a Sheriff's deputy to give the other party the court papers. This method requires you to pay a fee to the Sheriff's Office, unless you receive a fee waiver or deferral. The fee waiver or deferral form that Arizona uses is available at the Self-Service Center for persons who cannot afford the cost of service and meet certain financial requirements. The fee waiver and deferral form requires you to explain to the Sheriff why your situation calls for this method of service. Service is complete at the time the sheriff or deputy hands the other party the court papers. If you choose this method of service, use the Service by Sheriff form.
- D. Other Methods of Service.** There may be other ways to serve the other party. To learn more about these other ways, you should see a lawyer for help.

2. You Know Where the Other Party Lives in the United States but not in the State of Arizona. (If the other party lives outside the United States, you should see a lawyer to find out which method of service will work best for you. Service must take place at least five (5) days before the date of the hearing.)

- A. Service by Acceptance.** This method requires you to give or mail the court papers to the other party and include an Acceptance of Service form. The other party must sign the Acceptance of Service form in front of a Notary Public and return it to you. The other party cannot sign the Acceptance of Service until after you have filed the court papers with the Court. The other party's signature on the Acceptance of Service does not mean that he or she agrees with the court papers. It means that the other party admits receiving the papers, without being served in person by the sheriff or a process server. Service is complete at the time the other party signs the Acceptance of Service. If you choose this method of service, use the Acceptance of Service forms.

WARNING: Do not use this method of service if you are the victim of domestic violence, or believe the other party will hurt you, take your money, or take your children. If you believe the other party will become violent or uncooperative when you ask him or her to accept service, use one of the methods of service described below.

- B. Service by Registered Mail.** Use this method of service only if the other party lives outside the State of Arizona and you know the address. This method of service allows you to give notice by a special type of mail. You can send the court papers by giving the post office copies of the court papers in an envelope postage prepaid to be sent to the other party by any form of mail requiring a signed and returned receipt. This is often called Certified Mail, Restricted Delivery by the post office. This means that the other party must sign for the papers.

If the other party signs a receipt (green card) for the papers, the green card will be returned to you in the mail. You must then file an affidavit with the court stating (1) that copies of the petition and notice of hearing were sent to the person being served; 2) that the copies were received by the person to be served as evidenced by the attached green receipt; 3) that the original green receipt is attached; and 4) the date the party received the documents. A copy of the affidavit you will need is provided in the packet.

- C. Service by Registered Process Server.** This method requires you to hire and pay a registered process server to serve the other party with Court papers. A process server is a person who will give the papers to the other party at home, work, or other location. This method of service costs more than service by acceptance and requires the process server to find the other party. If you decide to use this method, look under "**PROCESS SERVER**" in the Yellow

Pages to find someone who can serve your papers. Service is complete at the time the process server hands the other party the court papers. If you choose this method of service, use the Service by Process Server form.

- D. Service by Sheriff.** This method requires you to contact the Sheriff's Office in the county where the other party lives to arrange for a Sheriff's deputy to give the other party the court papers. This method requires you to pay a fee to the Sheriff's Office, unless you receive a fee waiver or deferral. The fee waiver or deferral form that Arizona uses is available at the Self-Service Center for persons who cannot afford the cost of service and meet certain financial requirements. The fee waiver and deferral form requires you to explain to the Sheriff why your situation calls for this method of service. Service is complete at the time the sheriff or deputy hands the other party the court papers. If you choose this method of service, use the Service by Sheriff form.
- E. Other Methods of Service.** There may be other ways to serve the other party. To learn more about these other ways, you should see a lawyer for help.

3. You Cannot Find the Other Party. (Service is completed on the date of publication. This means that the Notice must be published at least five (5) days prior to the hearing.)

- A. Service by Publication. You may use this method only if you do not know, and cannot find the other party.** Service by publication is your "last resort." It is used only if you do not have a current address for the other party and have tried to find the other party or after you have tried to serve the other party by personal service or registered mail and there are reasonable grounds to believe that the person is concealing him/herself to avoid service.

Service by Publication can be expensive and may delay your court case. This method requires that a notice be published once (1 time) in a newspaper in Maricopa County (in the county where the action is pending.) The Notice must identify the child(ren) involved and the person to be served, and must contain a statement of the issues to be determined by the court and the consequence for failure to appear. If the address of the person to be served is known, you must mail a copy of the Petition and Notice of Hearing, postage prepaid, to the person at that address on or before the date of publication. To use this method, you must fill out several forms explaining to the Court what you have done to try to find the other party. If you choose this method of service, use the Service by Publication form.

TIPS FOR FINDING THE OTHER PARTY: Before using the Service by Publication method, you must try to find the other party. If possible, you should talk to the other party's friends, co-workers, family, or anyone you think may have a current address. The Court requires you to file an Affidavit or Statement Under Oath telling the Court that you have done everything you possibly could to find the other party. Other companies charge a fee to do computer searches to help you track down the other party. If you know the other party's date of birth and/or Social Security Number, this method may work for you.

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PROCEDURE: HOW TO SERVE THE COURT PAPERS BY PUBLICATION

STEP 1: PUBLISH THE COURT PAPERS. Use the attached letter to tell the newspaper what you need.

1. IF YOU ARE PAYING THE COSTS TO PUBLISH, USE ANY PAPER OF GENERAL CIRCULATION
OR,
2. CONTACT THE RECORD REPORTER. Call 484-4800 to find out the amount the money order needs to be made out for. Ask the Clerk of the Court where to find the DROP BOX, then drop a copy of the attached letter, the documents you filed with the Clerk, and a money order attached in the drop box.
OR,
3. IF YOU HAVE A COURT ORDER DEFERRING SERVICE COSTS: CONTACT THE ARIZONA BUSINESS GAZETTE (271-7300). Ask the Clerk where to find the DROP BOX, then drop a copy of the attached letter, the documents you filed with the Clerk, and the Certified Order Deferring Publication Fees in the drop box.

Notice: There is a filing fee for all Petitions and there are Service Fees. You may request a Deferral of the filing fees (and the Sheriff's Service Fees if you intend to use the Sheriff's Office for service) or publication fees at the time you file your papers with the Clerk of the Court.

STEP 2: WAIT. Wait for the newspaper to send you the original of the document called **AFFIDAVIT OF SERVICE**.

STEP 3: COMPLETE YOUR PAPERWORK:

- A. Fill out the **AFFIDAVIT SHOWING CIRCUMSTANCES WHY SERVICE BY PUBLICATION WAS USED AND ABOUT THE PUBLICATION** document which is attached.
- B. **ATTACH** a copy of the published notice from the newspaper(s).
- C. **KEEP A COPY** for yourself of the **AFFIDAVIT SHOWING CIRCUMSTANCES WHY SERVICE BY PUBLICATION WAS USED AND ABOUT THE PUBLICATION**.

STEP 4: FILE THE COURT PAPERS:

- A. File the original of the **AFFIDAVIT OF CIRCUMSTANCES WHY SERVICE BY PUBLICATION WAS USED AND ABOUT THE PUBLICATION**, and a copy of the publication, and;
- B. File the original **AFFIDAVIT OF SERVICE** you received from the newspaper(s).

STEP 5: GO: GO TO YOUR COURT HEARING. Bring a copy of the Petition, Notice of Hearing, Affidavit Showing Why Publication was Used, and Affidavit of Service with you to the hearing.

DO NOT BRING CHILDREN TO COURT.

Print Name

Print Address

_____, 20_____
Date

Name of Newspaper

Address

To Whom It May Concern:

I need to publish notice in the newspaper about the following matter: Court Case No. _____
Enclosed is a copy of the Petition for Dependency and Notice of Hearing stamped by the Clerk of Court.

Please publish a Notice in your newspaper about this court case one (1) time, at least five (5) days before the hearing. Also enclosed is (check one box):

- ☐ A check or money order in the amount of \$ _____ for the cost of the publication as requested.
☐ A certified copy of the Order from the court waiving the publication costs.

When you receive this letter, please call me at (602) _____ to tell me when publication will occur. When publication has been completed, please send to me the original and one copy of an Affidavit of Publication.

Thank you for your help in this matter.

Yours truly,

Sign your name

Enclosures:

- ☐ Court documents AND
☐ Check or Money Order OR
☐ Certified copy of Court Order of Deferral of Publication Fees

Name of Person Filing Document: _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____
Attorney Bar Number (if applicable): _____
Representing ☐ Self or ☐ Attorney for _____

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

IN THE MATTER OF:

Case Number: _____

(Name(s) of Child(ren))

**AFFIDAVIT SHOWING CIRCUMSTANCES
WHY SERVICE BY PUBLICATION WAS
USED AND ABOUT THE PUBLICATION
(AFFIDAVIT OF PUBLICATION
ATTACHED)**

1. I make this Affidavit to tell the Court why service by publication was used, and to show how service by publication was done. I have read this document and know of my own knowledge that the facts stated are true and correct.
2. Pursuant to Arizona Rules of Civil Procedure, Rules 4.1(e) and 4.2(e), service by publication is the best way to notify the other party of this court case because the other party is:

☐ Avoiding service of process. I have mailed, postage prepaid, a copy of the following legal documents: _____
to the last known address of the other party on or before the first date of Publication, OR

☐ The other party's residence is unknown. I have not mailed copies of the proceedings to the other party.
3. The residence and whereabouts of the other party's is unknown to me, even though I have made a diligent search to find out. My search failed to reveal any information that might lead to knowledge about the other party's residence or whereabouts. A search was made of the following records: (Be specific.)

☐ Telephone Directory/Directory Assistance. State the cities you called and the numbers you called.

☐ Last Known Employer: State who you talked with and when:

☐ Relative or Friend of Other Party (State who you contacted, his or her relationship to the other party, how you contacted him or her (in person, by telephone, by letter):

☐ Other things you did:

4. To the best of my knowledge, information, and belief, the other party is not in the military service of the United States.
5. The following document(s) _____ was/were published in a newspaper in the county, where my case is pending on the following date: ____ / ____ / ____
6. A copy of the notice as published and the Affidavit of Publication is attached.

Your Signature

SUBSCRIBED AND SWORN to before me this date _____, by _____
(Month, Day, Year)

My Commission Expires _____
Notary Public

INSTRUCTIONS: ATTACH the original of the Affidavit of Publication from the Newspaper(s) to this page.